

## REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner objects to the drawings as failing to comply with 37 C.F.R. § 1.83(a)(4) because the drawings do not show every feature of the invention specified in the claims. Specifically, the Examiner argues that the pressure-regulating valve must be shown or the features canceled from the claim. The Applicant respectfully submits that the pressure-regulating valve is shown in Figure 1 as part of the waterproof cap (33). Thus, in response, Figure 1 has been amended to add reference numeral 33a and a corresponding leader line indicating the pressure-regulating valve shown at the top of the waterproof cap (33). A replacement sheet for Figure 1 is enclosed herein.

The Applicant respectfully submits that the pressure-regulating valve shown in Figure 1 would have been inherent to those of ordinary skill in the endoscope arts from the original disclosure, particularly in light of the disclosure at page 7, lines 2-3 ("Also, the electric connector 11 can be detachably connected to a waterproof cap 33 with a pressure regulating valve."). Thus, no new matter has been introduced into the original disclosure by way of the amendment to Figure 1.

The Examiner also argues that it is unclear what reference, if any, is being made to Figure 4. In response, the specification has been amended at page 14, line 24 to refer to Figure 4 (specifically, --, as shown in Figure 4,-- has been inserted after "force F1").

Accordingly, it is respectfully requested that the objections to the drawings be withdrawn.

In the Official Action, the Examiner objects to claim 2 because it is unclear what part in claim 2 is being referred to as the contracting member. The Applicant

respectfully submits that the contracting member is the covering tube (e.g., 39 in Figure 2). Therefore, in response, claim 2 has been amended to clarify the same. Accordingly, it is respectfully requested that the objection to claim 2 be withdrawn.

In the Official Action, the Examiner rejects claim 5 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the Examiner argues that the terms “the contraction force” and “the extension force” lack antecedent basis in the claim. In response, claim 5 has been amended to refer to “a contraction force” and “an extension force” as shown in attached amended claim 5. Accordingly, it is respectfully requested that the rejection of claim 5 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In the Official Action, the Examiner objects to the specification because the term “universal code” should be --universal cord--. In response, all such occurrences of “universal code” in the specification have been amended as suggested by the Examiner. Accordingly, it is respectfully requested that the objection to the specification be withdrawn.

In the Official Action, the Examiner rejects claims 1-13 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Application No. 2002/0004627 to Takase (hereinafter “Takase”).

In response, the Applicant respectfully traverses the Examiner’s rejection under 35 U.S.C. § 102(a) for at least the reasons set forth below.

The Examiner argues that Takase discloses (1) the mesh being wound with an angle so that the metal wires are not disposed in the direction orthogonal to or parallel to the longitudinal direction of the inserting portion and (2) the contacting member generates a

contraction force in the longitudinal direction with the same general magnitude as the extension force due to the pressure differential between the inside and outside of the endoscope. The Applicant respectfully disagrees.

The Applicant can find no such disclosure of features (1) and (2) in Takase. With regard to feature (1), although Takase discloses a mesh, there is no disclosure of the orientation of the metal wires that make up the mesh. With regard to feature (2), the cited portions of Takase merely discuss the pressure differential inside and outside the endoscope during sterilization and the role of the pressure-regulating valve in such sterilization to avoid damage to the endoscope. There is no disclosure of the contracting member generating a contraction force with the same general magnitude as the extension force.

With regard to the rejection of claims 1-13 under 35 U.S.C. § 102(a), a flexible tube of an endoscope, an endoscope comprising a flexible tube and an endoscope, having the features discussed above and as recited in independent claims 1, 5 and 9, respectively, is nowhere disclosed in Takase. Since it has been decided that “anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,”<sup>1</sup> independent claims 1, 5 and 9 are not anticipated by Takase. Accordingly, independent claims 1, 5 and 9 patentably distinguish over Takase and are allowable. Claims 2-4, 6-8 and 10-13 being dependent upon claims 1, 5 and 9, are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1-13 under 35 U.S.C. § 102(a).

Lastly, the specification has been reviewed for spelling and grammatical errors as well as for inconsistencies with the drawings. Any such errors and inconsistencies have

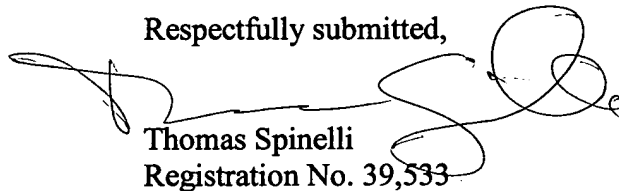
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<sup>1</sup> Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

been corrected by way of the present amendment. Specifically, claim 1 has been amended and claim 5 has been further amended to clarify the same and improve their form and readability. Lastly, Figure 4 has been amended to change reference numeral 100 to reference numeral 15 to be consistent with the specification. A replacement sheet for Figure 4 is enclosed. No new matter has been entered into the disclosure by way of such amendments.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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Encl. (Replacement Sheets for Amended Figures 1 and 4)